



**Henderson|Franklin**  
ATTORNEYS AT LAW

1715 Monroe Street  
Post Office Box 280 • Fort Myers, FL 33902-0280  
Tel: 239.344.1100 • Fax: 239.344.1200 • [www.henlaw.com](http://www.henlaw.com)  
Bonita Springs • Sanibel

Reply to  
Robert C. Shearman  
Board Certified Civil Trial Lawyer  
E-Mail: [robert.shearman@henlaw.com](mailto:robert.shearman@henlaw.com)

April 24, 2019

**VIA E-MAIL ONLY**

Sawyer Smith, Esquire  
Wilbur Smith Attorneys At Law  
2200 Broadway, 3rd Floor  
Fort Myers, FL 33901

Re: Dixie Roadhouse

Dear Sawyer:

After extensive discussion based upon the directions given by the Cape Coral City Council on April 15, 2019, the principles of Dixie Roadhouse and Cape Coral Police Chief David Newlan have reached agreement on the following matters related to the incident on December 8, 2018 and the emergency suspension of Dixie Roadhouse's after-hours permit.

**SIGNAGE**

A "no colors" sign has been posted and a broader policy prohibiting biker colors and displays of gang affiliation has been implemented.

**CAMERAS**

Dixie Roadhouse has installed a total of 60 cameras. In addition to the 20 original cameras, 12 Securitech 1 cameras and 28F DT cameras have been installed. 44 of the cameras include night-vision, pan-tilt-zoom, high definition, Wi-Fi, motion sensing, micro SD and DVR recording (preserved for 2 months), and two-way audio capabilities. In addition to the cameras, a new security office has been made which houses two 43 inch monitors capable of displaying up to 25 cameras each. The cameras can also be played back on the manager's cell phone, laptop, or tablet. Dixie Roadhouse owners have also installed home monitors creating the capacity to review the venue from their home. Dixie Roadhouse agrees to maintain these cameras and features as outlined in this paragraph and take reasonable measures to ensure they remain in good repair and operating order.

### **WANDING**

Dixie Roadhouse agrees to wand patrons entering Dixie Roadhouse for weapons a minimum of four nights (Fridays and Saturdays) from midnight until closing of doors for the first month immediately following reopening for extended hours, and subsequently wand patrons entering Dixie Roadhouse for weapons a minimum of two nights per month (Fridays and Saturdays) for the next 11 months. The wanding will be conducted on a random basis and Dixie Roadhouse agrees to provide the Chief a calendar in advance designating wanding nights. Additionally Dixie Roadhouse agrees to wand patrons for special events.

### **WESCAN ID**

Dixie Roadhouse utilizes Aloha Point-of-Sale terminals and has implemented the WeScan ID system. With a dedicated terminal at the front doors of each venue, WeScan allows driver licenses from all 50 states to be scanned, instantly verifying a person's age, and determining whether that individual is on the "banned list." Dixie Roadhouse also uses an internal "banned list," as well as in an internal video system, which provides a picture of a person's face on the driver's license. Further Dixie Roadhouse agrees to work with CCPD to identify felons or gang members who should be added to the banned list.

### **SECURITY DETAIL**

The City Ordinance requires a ratio of one officer to every 150 occupants (based upon approved occupancy—not actual occupancy) from 11:00 PM to 3:00 AM. Dixie currently has seven security personnel per the City Ordinance. Dixie Roadhouse has agreed to provide nine security personnel from 11:00 PM until 2:00 AM on dates the venue is open for extended hours, and to shift an additional security person from the Rockade to Dixie Roadhouse at 2:00 AM, bringing the total security personnel at Dixie Roadhouse to 10 from 2:00 AM through 3:00 AM on evenings the venue is open for extended hours.

### **TRAINING AND POLICIES TO AVOID OVER-SERVING INTOXICATED PATRONS**

Dixie Roadhouse requires employees to complete responsible vendor training quarterly. All staff participate in ongoing training to prevent over-serving and identify patrons who have been over-served to make sure they have a safe ride home. Additionally, Dixie Roadhouse agrees to limit patron drink orders to 2 drinks at one time. For any order more than two drinks, the bartender or server will ask to see the individuals for whom the drinks are intended to avoid over-serving intoxicated patrons.

### **RIDE SERVICES**

Dixie Roadhouse has a house account with Uber available to managers. Security personnel and managers will ensure that any persons deemed to be over-intoxicated by staff will have a safe ride home arranged for them. Additionally, Dixie Roadhouse has negotiated a dedicated Nickel Ride vehicle for Dixie Roadhouse customers. The service operates on both weekdays and weekends.

### **BUSINESS MODEL**

Dixie Roadhouse agrees to focus on its core business and will not actively seek to provide live music concerts, but remains open to the potential for hosting an act if approached by a promoter.

### **CLOSING TIME**

Dixie Roadhouse agrees to lock the front incoming doors by at 2:40 AM, and discontinue serving alcohol by 2:45 AM.

### **MANAGER ON DUTY**

Lynn Pippinger is Dixie Roadhouse's General Manager. She will remain on property for late-night bar hours. Dixie Roadhouse agrees to carefully vet any new General Manager hired, introduce him/her to CCPD at the monthly BAR meeting, provide contact information, and assist in transitioning from Lynn Pippinger to the new General Manager to ensure familiarity with these agreements.

### **COVER CHARGE**

Dixie Roadhouse has agreed to maintain its \$5 cover charge from 11:00 PM until closing.

Based upon the direction provided by the City Council at its April 15, 2019 meeting, Dixie Roadhouse and Chief Newlan have reached agreement on the items outlined above, and present this agreement to the City Council for its consideration with regard to Dixie Roadhouse's request to lift the emergency suspension of its after-hours permit.

Sawyer Smith, Esquire  
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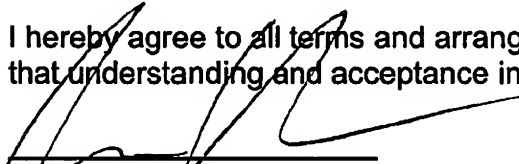
Dixie Roadhouse and Chief Newlan request that this matter be brought before the City Council at its next regularly scheduled meeting for consideration in connection with Dixie Roadhouse's request to lift the emergency suspension of its after-hours permit.

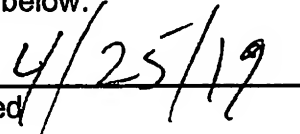
Very truly yours,

*/s/ Robert C. Shearman*

Robert C. Shearman

I hereby agree to all terms and arrangements set forth in the letter and acknowledge that understanding and acceptance in my signature below.

  
Sawyer Smith

  
Dated